

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LEE V. QUILLAR,

Plaintiff,
vs.

No. CIV S-04-1203 KJM EFB (TEMP) P

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

ORDER

On January 31, 2011, the court recommended that defendant Murray be dismissed because his death had been suggested on the record on September 22, 2010 and plaintiff had failed to file a motion for substitution. *See* Fed. R. Civ. 25(a)(1). After reviewing the court's docket, it appears plaintiff did file a motion for substitution on October 15, 2010 pro se which was terminated on November 22, 2010, shortly after plaintiff was appointed counsel.

Good cause appearing, IT IS HEREBY ORDERED that:

1. The court's January 31, 2011 findings and recommendations are vacated; and

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1 2. Plaintiff is granted 90 days within which to file a motion for substitution with respect
2 to defendant Murray.

3 DATED: February 2, 2011.

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EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE